IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 14572 of 2004

Between:

M/s. Vidyut Industrial Corporation, having its office at Door No. 5-2-174, R.P. Road, Secunderabad, represented by its sole Proprietress-Mrs. Maya Rani Jain, W/o Mr. S.P. Jain,

R/o NO. 8, Rukmini Devi Colony, AOC Centre,

Secunderabad-500 026

..... PETITIONER

AND

1 The Sub-Registrar, O/o Sub-Registrar, Bhongir Nalgonda District, Andhra Pradesh.
2 District Registrar & Collector, O/o the Dist. Registrar & Collector Under Section 47-A of the Indian Stamp Act, Nalgonda District Municipal Complex, Ramamgiri, Nalgonda 608001, Andhra Pradesh. **.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction, more in the nature of Mandamus, declaring the reference made by the Sub-Registrar, Bhongir Vide Letter No. 104/47-A/04 covering pending Document No. P 33/2003 dated 17-10-2003 and issuance of consequential Notice in Form-II by the District Registrar & Collector, Nalgonda District under Section 47-A of the Indian Stamp Act, 1899, as without jurisdiction, arbitrary, illegal, unjust, bad and ultravires the provisions of Section 47-A of the Indian Stamp Act, 1899 and set a side them accordingly and consequentially to direct the Sub-Registrar to register and release the said sale deed dated 07-10-2003.

Counsel for the Petitioner: MR. MINNIKANTI LAXMIPRASAD

Counsel for Respondents 1 and 2: GP FOR REVENUE

The Court at the admission stage made the following:

ORDER:

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The petitioner is the nominee of the auction purchasers in the auction held on 18-09-2002 in the office of the Official Liquidator of this Court. The Official Liquidator executed a sale deed dated 07-10-2003 in favour of the petitioner and the same was presented before the Sub-Registrar, Bhongir-first respondent on 17-10-2003 for registration by paying the necessary stamp duty. The Sub-Registrar-first respondent referred the matter to the Collector-second respondent under Section 47-A of the Indian Stamp Act, 1899 (hereinafter referred to as 'the Act') for determination of the market value and stamp duty payable thereof. On such reference, the Collector-second respondent issued the impugned notice dated 19-06-2004 calling upon the petitioner to appear in person or through a counsel on 06-07-2004 and to lodge its objections. The petitioner instead of approaching the Collector-second respondent and bringing to his notice the law declared by this Court in ***M. Venkata Ramana Vs. Collector & District Registrar,*** straight away filed the present writ petition contending that the Sub-Registrar-first respondent cannot refer the matter to the Collector-second respondent under Section 47-A of the Act and that he has no jurisdiction. In the above cited case on a reference made by the Registration Officer, the Collector determined the market value through his order, which was subject matter of challenge, but the said order was set aside. In the present case, even assuming that the Sub-Registrar-first respondent erroneously referred the document under Section 47-A of the Act to the Collector-second respondent, nothing prevented the petitioner from bringing to the notice of the Collector-second respondent about the law declared by this Court.

In view of the same, the petitioner can file his objections before the Collector-second respondent within a period of two weeks from today raising all the grounds which are raised in the present writ petition including the objection that the reference made by the Registering Officer under Section 47-A of the Act is not warranted in the light of the law declared by this Court. On making such objections, the Collector-second respondent shall within two weeks thereafter pass appropriate orders after due intimation to the petitioner.

The writ petition is accordingly disposed of at the admission stage. No costs.

(A.GOPAL REDDY, J)

Date: 18-08-2004

ghn/lvl

To

1 The Sub-Registrar, O/o Sub-Registrar, Bhongir Nalgonda District Andhra Pradesh

2 District Registrar & Collector, O/o the Dist. Registrar & Collector Under Section 47-A of the Indian Stamp Act, Nalgonda District Municipal Complex, Ramamgiri, Nalgonda Andhra Pradesh

3 Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T.)

4 Two CD copies.